

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2021-006646

04/27/2021

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
K. Cabral  
Deputy

ARIZONA DEMOCRATIC PARTY, et al.

ROOPALI HARDIN DESAI

v.

KAREN FANN, et al.

THOMAS J. BASILE

DANIEL C BARR  
JOSHUA D BENDOR  
JOSEPH E. LaRUE  
JAMES E. BARTON, II  
BRYAN J. BLEHM  
DOCKET-CIVIL-CCC  
COURT-ADMIN-CIVIL-ARB  
STACI BURK  
2487 S GILBERT RD #106-609  
GILBERT AZ 85295  
MICHAEL KIELSKY  
ALEXANDER M KOLODIN  
JUDGE DANIEL MARTIN

MINUTE ENTRY

East Court Building – Courtroom 412

11:22 a.m. This is the time set for a virtual Order to Show Cause Return Hearing regarding: Plaintiffs' Verified Complaint for Declaratory Judgment and Injunctive Relief filed April 22, 2021 and Motion for Temporary Restraining Order (with Notice) and Preliminary Injunction and Order to Show Cause why Declaratory Judgment Should Not

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Be Entered Expeditiously filed April 22, 2021. Plaintiffs are represented by counsel, Roopali Harden Desai, David Andrew Gaona, James Barton, II and Kristen Yost. Defendant Cyber Ninjas, Inc. is represented by counsel, Alexander Kolodin, Chris Alfred Viskovic, Michael Kilskey, and Bryan James Blehm. Defendant Warren Petersen, in his official capacity as Chairman of the Senate Judiciary Committee, Defendant Karen Fann, in her official capacity as President of the Arizona Senate, and Defendant Ken Bennett, in his official capacity as liaison of the Arizona Senate, are represented by counsel, Kory Langhofer and Thomas Basile. Josh Bendor and Emma Cone-Roddy appear for proposed intervenor Secretary of State Katie Hobbs. Proposed intervenor Staci Burk is present on her own behalf. Proposed intervenor First Amendment Coalition of Arizona is represented by Daniel C. Barr. Joseph La Rue appears on behalf of non-party Maricopa County. The parties appear via the Court Connect platform.

Court Reporter, Michele Kaley, is present and a record of the proceedings is also made digitally.

The Court notes receipt of the following:

1. Senate Defendants' Combined Motion To Dismiss And Response To Plaintiffs' Motion For Temporary Restraining Order Or Preliminary Injunction filed April 25, 2021.
2. Secretary of State Katie Hobbs' Motion for Leave to File Brief of Amicus Curiae of Secretary of State Katie Hobbs in Support of Plaintiffs' Request for a Temporary Restraining Order filed April 25, 2021.
3. Plaintiffs' Motion for Leave to Exceed Page Limits filed April 25, 2021.
4. Staci Burk's Motion to Intervene filed April 26, 2021.
5. First Amendment Coalition of Arizona, Inc.'s Motion to Intervene for the Limited Purpose of Opposing Cyber Ninjas' Motion to File an Exhibit Under Seal and To Close Hearing to the Public and Media filed April 26, 2021.
6. Defendant Cyber Ninjas' Motion to File Ex Parte and Under Seal [ARCP 5.4] and Notice of Lodging filed April 26, 2021.
7. Amici's Motion of We The People AZ Alliance PAC and the Maricopa County Libertarian Party and Leave to File Brief Amicus Curiae filed April 27, 2021.
8. Secretary of State of Katie Hobbs' Motion for Leave to File Brief of Amicus Curiae Secretary of State Katie Hobbs in Opposition to Cyber Ninjas' Motion to File Ex Parte and Under Seal filed April 27, 2021.

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9. Plaintiffs' Reply in Support of Motion for Temporary Restraining Order filed April 27, 2021.
10. Secretary of State Katie Hobbs' Motion to Intervene filed April 27, 2021.

The Court has reviewed and considered the above-referenced filings,

**IT IS ORDERED** granting Secretary of State of Katie Hobbs' Motion for Leave to File Brief of Amicus Curiae Secretary of State Katie Hobbs in Opposition to Cyber Ninjas' Motion to File Ex Parte and Under Seal filed April 27, 2021.

**IT IS FURTHER ORDERED** granting Amici's Motion of We The People AZ Alliance PAC and the Maricopa County Libertarian Party and Leave to File Brief Amicus Curiae filed April 27, 2021.

**IT IS FURTHER ORDERED** granting Plaintiffs' Motion for Leave to Exceed Page Limits filed April 25, 2021.

Argument is presented on First Amendment Coalition of Arizona, Inc.'s Motion to Intervene for the Limited Purpose of Opposing Cyber Ninjas' Motion to File an Exhibit Under Seal and To Close Hearing to the Public and Media filed April 26, 2021.

**THE COURT FINDS** that pursuant to Rule 24(b), ARCP, First Amendment Coalition of Arizona, Inc. has a claim that shares a common question of law and fact with the main action of this case. On that basis,

**IT IS ORDERED** granting First Amendment Coalition of Arizona, Inc.'s Motion to Intervene for the Limited Purpose of Opposing Cyber Ninjas' Motion to File an Exhibit Under Seal and To Close Hearing to the Public and Media filed April 26, 2021.

Argument is presented on Secretary of State Katie Hobbs Motion to Intervene filed April 27, 2021.

**THE COURT FINDS** that pursuant to Rule 24(b), ARCP, the Secretary of State as the Chief Elections Officer in this state has a claim that shares a common question of law and fact with the main action of this case. On that basis,

**IT IS ORDERED** granting, over the objection of counsel for Senate Defendants and Cyber Ninjas, Inc., Secretary of State Katie Hobbs' Motion to Intervene.

Discussion is held regarding Defendant Cyber Ninjas' Motion to File Ex Parte and Under Seal [ARCP 5.4] and Notice of Lodging filed April 26, 2021. The Court notes that the Motion is not fully briefed.

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The parties state their respective positions.

Based on the matters discussed and for the reasons stated on the record,

**IT IS ORDERED** setting virtual Oral Argument on **April 28, 2021**, at **10:30 a.m.** (time allotted: 1 hour) in this division. An auto-generated email has been sent to local counsel of record to attend this hearing via Court Connect and Microsoft TEAMS. Should any of the parties not have an updated email address on file with the Clerk of Court or not receive the email, please advise the Court. You may join the hearing using the following link: **tinyurl.com/jbazmc-cvj08**.

Or you may appear via telephone by calling: **1-917-781-4590 Access Code: 335 045 922#**. For further information, please visit: <https://superiorcourt.maricopa.gov/court-connect/>

NOTE: All court proceedings are made digitally in lieu of a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

Argument is presented on Staci Burk's Motion to Intervene filed April 26, 2021.

**THE COURT FINDS** that pursuant to Rule 24(b), ARCP, Staci Burk has not established a claim that shares a common question of law or fact with the main action in this case. On that basis,

**IT IS ORDERED** denying Staci Burk's Motion to Intervene filed April 26, 2021.

Discussion is held regarding the temporary restraining order issued on April 23, 2021 and continued through April 27, 2021.

The parties state their respective position regarding the current TRO.

Based on the matters discussed and for the reasons stated on the record,

The Court declines to extend the orders of the temporary restraining order, however, this issue will be further addressed at tomorrow's oral argument.

12:31 p.m. Matter concludes.